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Before The
Federal Communications Commission
Washington, DC 20554

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Regarding the matter of:

Reexamination of the Comparative
Standard for Noncommercial
Educational Applicants.

MM Docket No. 95-31

PETITION FOR CLARIFICATION AND DETERMINATION

AND

MOTION FOR STAY OF ACTION

The Commission in the SECOND REPORT AND ORDER under the heading "Pending Applications" declared that "we believe that it will serve the public interest best to return as unacceptable for filing the pending applications for NCE stations, and move the process forward by subjecting any remaining mutually exclusive applications to auction." It was also declared by the Commission that the reason for this action was that "This approach will end the administrative delay in processing these applications, and will result in licensing new broadcast facilities to serve the public more quickly."

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These statements are ambiguous because MX Group 950210 consists solely of two (2) NCE applicants for one (1) commercial channel. There is no commercial applicant for this channel. If both NCE applications were returned as unacceptable for filing, there would be no applications then pending for this allocation. The allocation would then be returned to the pool of vacant allocations and be windowed again later. This would not "result in licensing new broadcast facilities to serve the public more quickly" as was the stated objective for the action by the Commission and in fact would in this case delay in the licensing of new broadcast facilities.

It is respectfully requested that the Commission reexamine this policy and its implications with an appropriate declaratory ruling to remove this ambiguity. It is also respectfully requested that the Commission stay action on returning any NCE applications as unacceptable for filing until this ambiguity is resolved.

Dated: 12 May 03



George Smith, Staff Engineer
Pacific Radio Engineering
PO Box 1270
Klamath Falls, OR 97601
541-885-2184
Fax: 541-885-2198